

HOUSE BILL 1975

By Buck

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 14 and Title 40, relative to ineffective  
assistance of counsel in capital cases.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 14, Part 2, is amended by  
adding the following language as a new, appropriately designated section:

§ 40-14-211.

(a) Any defense attorney who represents a defendant in a capital case in the  
courts of this state shall be disqualified from current representation and/or barred from  
future representation in capital cases in the courts of this state if:

(1) Any trial or appellate court in this state or the federal system rules or  
has ruled that the attorney provided ineffective legal assistance in an existing or  
prior capital case; or

(2) The attorney has given testimony before any court in this state or in  
the federal system admitting that the attorney provided ineffective legal  
assistance to a defendant in a capital case.

(b) Any court in this state that is presented with testimony as described in (a)(2)  
of this section shall report the attorney to the disciplinary counsel for the board of  
professional responsibility of the supreme court of Tennessee and the board shall take  
appropriate action.

(c) For purposes of this section, "ineffective legal assistance" means counsel's  
performance fell below an objective standard of reasonableness under prevailing  
professional norms.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.